

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36537

STATE OF IDAHO,)	2010 Unpublished Opinion No. 306
)	
Plaintiff-Respondent,)	Filed: January 8, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
JERRY L. DINGMAN,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Steven C. Verby, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Jerry L. Dingman pled guilty to trafficking by attempted manufacture of methamphetamine. I.C. § 37-2732B(a)(3). In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Dingman to a unified term of eight years, with a minimum period of confinement of two years, to run concurrent with an unrelated sentence. Dingman filed an I.C.R. 35 motion, which the district court denied. Dingman appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of

new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Dingman's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Dingman's Rule 35 motion is affirmed.